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local chiefs themselves, sitting with their great-commoners, others to the sentorial nobles. And this was often sufficient, when the two parties both belonged to the same chiefdom or the same fief. The judgments of these local authorities were effective, in the first place, because (and in so far as) they represented the common legal sense of their groups and the common determination not to allow these groups to be disrupted by disputes. They were effective, in the second place, because, under the primitive conditions of the old Ngonde, individuals were normally helplessly dependent upon these local groups.

When the parties belonged to *different* chiefdoms or fiefs three kinds of legal procedure, other than the poison-ordeal, were open. It was possible, in the first place, " to institute an enquiry " (*ukulalaunga*). The plaintiff went to ask the defendant's own chief (or noble) if he would please look into the matter for him; and sometimes satisfaction was obtained in this way. If it was not obtained then appeal could always be made to the *mwafi*.

And, in the second place, if both parties belonged to chiefdoms whose chiefs were closely related, then and only then the political hierarchy did provide a certain judicial assistance. " If one of the men of a junior chief had a case against one of the men of a senior, then the junior chief would go with some of his men to visit his elder brother. On arrival he would tell him not to be surprised at their coming, and explain that one of his men was a thief—' Is he indeed ? '—' Yes " —' who is it ? '—' So and so '—' You really mean it, he is a thief ? '—" Certainly ! Why else have we come ? '—Then the senior chief would summon the man concerned and question him until, maybe, he would admit it. And then the senior chief, would send to take what had been stolen and would return it to his brother's subject."

And, again, if the men of two equally junior brother chiefs had a case against each other, the plaintiff's chief might accompany him when he went to institute an enquiry with the defendant's chief; and then both chiefs together would take the case to their elder brother for decision.

It is not certain to what genealogical distance this procedure was effective; our evidence suggests that it normally only obtained between chiefs who were half-brothers.

And, finally, it was possible to catch a hostage and so compel restitution for wrong done. " In the old days if one man had been wronged by another (of a different country) then he would catch and keep the child of some powerful man who lived in the same country as the wrongdoer. Then the father would send to enquire for what reason his child had been caught and would be told that it was because so and

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or, one of his neighbours, had wronged and defrauded the appendender. So the father would visit the wrongdoer and tell him that his own child had been caught because of him; and he would enquire into the case and the wrongdoer would pay what was due. After the payment had been made the child would be returned to its father unscathed, with its head shaven and bringing a gift." Now this, it must be emphasized, was not a violent but a truly legal procedure. It seems only to have been taken in clear cases when the debt was not seriously disputable at law, and all that was required was machinery to enforce its payment. It was a procedure generally accepted throughout Ngonde and among the Nyakyusa; the father of the child seems not to have executed it, and, being "a powerful man,"[1] he was able to put pressure on his defaulting neighbour.

But these forms of procedure were insufficient to keep the peace in Ngonde. In the Ngonde plain at least, much the same law was common to all the fiefs and chiefdoms, but it was only enforced piecemeal in little local areas, or, beyond them, in occasional clear cases by the enquiry or the homage method. And so quarrels, either between commoners or chiefs, led not infrequently to violence and war.

Now this situation requires to be explained. Why did the Kyungu and his subordinates not develop an effective judicial system on the lines of the religious and economic hierarchy? I am not confident that our evidence supplies a certain answer, but there are two facts which, in combination, go some way towards doing so.

The crucial point is that, as we have already noticed, the conditions of life in Ngonde in the middle period, did not necessitate the development of such a system. Most of life for most men was confined to the little local areas, within which law was effectively maintained. There it had to be maintained somehow, or life would have been impossible. But beyond them men had only occasional relationships. War was endemic in the society of Ngonde but did not threaten to destroy it; and it is only that threat that can compel men to set up new machinery. The warfare of Ngonde was sporadic only while fights were matters of an hour or two and casualties were slight.

Nevertheless there were other areas in primitive Africa in which paramount chiefs and their subordinates did maintain law and order with some success, and in which civil war, though it occurred, was treated as a crime. Why was this not done in Ngonde? For, though centralized justice may not have been necessary, it would have had many obvious advantages. I believe that the answer to this question lies

[1] i.e. a rich man with a certain local prestige and authority.